

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

TD BANK, N.A.,

Defendant.

Hon. Esther Salas

Case No. 24-CR-667

**CONSENT PRELIMINARY ORDER OF FORFEITURE/MONEY JUDGMENT**

WHEREAS, on or about October 10, 2024, TD Bank, N.A. (the “Defendant”) was charged in a one-count information, 24-CR-667 (ES) (the “Information”), with conspiring to: (1) fail to maintain an adequate anti-money laundering (“AML”) program, contrary to Title 31, United States Code, Sections 5318(h), 5322, (2) fail to file accurate Currency Transaction Reports (“CTRs”), contrary to Title 31, United States Code, Sections 5313 and 5324, and (3) launder monetary instruments, contrary to Title 18, United States Code, Section 1956(a)(2)(B)(i), all in violation of Title 18, United States Code, Section 371.

WHEREAS, the Information included a forfeiture allegation as to the second object of the conspiracy charged in the Information, seeking criminal forfeiture to the United States, pursuant to Title 31, United States Code, Section 5317(c)(1)(A), and in accordance with the procedure in Title 21, United States Code, Section 853, of all property, real or personal, involved in the conspiracy charged in the Information and any property traceable thereto;

WHEREAS, the Information also included a forfeiture allegation as to the third object of the conspiracy charged in the Information, seeking criminal forfeiture to the

United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), of any property, real or personal, which constitutes or is derived from proceeds traceable to the conspiracy charged in the Information;

WHEREAS, on or about October 10, 2024, the Defendant pleaded guilty to the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted: (1) the forfeiture allegation with respect to the second object of the conspiracy charged in the Information and agreed to forfeit to the United States a sum of money equal to \$412,876,589 in United States currency, representing the sum of money involved in the conspiracy charged in the Information; and (2) the forfeiture allegation with respect to the third object of the conspiracy charged in the Information and agreed to forfeit to the United States a sum of money equal to \$39,555,713 in United States currency, representing the sum of money which constitutes or is derived from proceeds traceable to the conspiracy charged in the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$452,432,302 in United States currency, representing the aggregate sum of money subject to forfeiture as a result of the Defendant's conviction for the conspiracy charged in the Information. The Government agrees that the payment made by the Defendant in connection with its concurrent settlement of a related regulatory action brought by the Federal Reserve Board of Governors (the "FRB") in the amount of \$123,500,00 (the "Civil Credit") shall be credited against the money judgment; and

IT IS HEREBY STIPULATED AND AGREED, by and between the United States Department of Justice, Criminal Division, Money Laundering and Asset Recovery Section and the United States Attorney's Office for the District of New Jersey (collectively, the "Offices") and Defendant TD BANK, N.A. and its counsel that:

1. Pursuant to 31 U.S.C. § 5317(c)(1)(A), 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461, and Rule 32.2 of the Federal Rules of Criminal Procedure, a money judgment in the amount of \$452,432,302 in United States currency (the "Money Judgment"), representing the aggregate of (a) \$412,876,589 in United States currency, representing the sum of money involved in the conspiracy to fail to file accurate Currency Transaction Reports, contrary to Title 31, United States Code, Sections 5313 and 5324, in violation of Title 18, United States Code, Section 371, to which the Defendant has pleaded guilty; and (b) \$39,555,713 in United States currency, representing the sum of money which constitutes or is derived from proceeds traceable to the conspiracy to launder monetary instruments, contrary to Title 18, United States Code, Section 1956(a)(2)(B)(i), in violation of Title 18, United States Code, Section 371, to which the Defendant has pleaded guilty, is hereby entered against the Defendant.
2. The Defendant shall make a payment in the amount of \$328,932,302 in United States currency (the "Payment") by wire transfer pursuant to instructions provided by the United States no later than ten (10) business days after entry

of this Consent Preliminary Order of Forfeiture/Money Judgment. Upon receipt of the Payment by the Government, as well as the Civil Credit by the FRB, the Money Judgment shall be fully satisfied.

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, TD Bank, N.A., and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.
4. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.
5. Pursuant to Federal Rule of Criminal Procedure 32.2(c)(1), no third-party ancillary proceeding is required before entering this Money Judgment.
6. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

MARGARET A. MOESER  
Chief  
Money Laundering and Asset Recovery  
Section, Criminal Division  
U.S. Department of Justice



David Zachary Adams  
Chelsea R. Rooney  
Trial Attorneys

PHILIP R. SELLINGER  
United States Attorney  
District of New Jersey  
U.S. Department of Justice



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TD BANK, N.A.

By:   
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Nicolas Bourtin, Esq.  
Aisling O'Shea, Esq.  
Sullivan & Cromwell LLP

Counsel for TD BANK, N.A.

SO ORDERED:

  
THE HONORABLE ESTHER SALAS  
UNITED STATES DISTRICT JUDGE

10/10/2024